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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
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11 HARDY WAY, LLC, a Delaware Limited  
12 Liability Company; NERVOUS TATTOO,  
INC., a California Corporation,

13 Plaintiffs,

14 v.

15 WINTER CONCEPTS, INC., a California  
16 Corporation; RAMTIN NOSRATI a/k/a  
RAY NOSRATI, an individual; FARHAD  
17 HEIDARI, an individual; MARK  
KLOCKNER, an individual dba RETAIL  
18 INFUSION; DOES 1-10, inclusive,

19 Defendants.  
20

CASE NO. CV 10-0250 DSF (MANx)

**PRELIMINARY INJUNCTION**

21 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

22 PLEASE TAKE NOTICE that after consideration of the pleadings, declarations  
23 and other evidence in this matter, and having heard the arguments of the parties in  
24 support and opposition hereto, the Court issues the following Preliminary Injunction  
25 pursuant to Federal Rule of Civil Procedure 65 and the Lanham Act in the above  
26 entitled matter:

27 WHEREAS Plaintiff Hardy Way, LLC is the worldwide owner of the DON ED  
28 HARDY and ED HARDY stylized and non-stylized trademarks (hereinafter

collectively “Ed Hardy Marks”). U.S. Trademark Registrations for the Ed Hardy Marks include but are not limited to: 3,632,302 (“ED HARDY”); 3,600,285 (“ED HARDY”); 3,706,123 (“ED HARDY”); 3,654,597 (stylized “Ed Hardy”); 3,654,747 (“ED HARDY”); 3,124,710 (“Don Ed Hardy”); 3,135,603 (“Ed Hardy”); 3,141,658 (stylized “Ed Hardy”); 3,600,285 (“Ed Hardy”); and 3,635,990 (“Love Kills Slowly” logo).

WHEREAS Plaintiff Nervous Tattoo, Inc. has the exclusive license to design, manufacture, promote, sell, and distribute certain products bearing the Ed Hardy Marks, including but not limited to apparel, accessories, and snowboarding equipment and accessories.

WHEREAS Plaintiffs are likely to succeed in their trademark infringement claim against Defendants for the continued manufacturing, production, distribution, advertisement, promotion, offering for sale, and sale of merchandise bearing the Ed Hardy Marks.

IT IS HEREBY ORDERED that Defendants, their officers, agents, servants and employees and any persons in active concert or participation with Defendants are ENJOINED from the following conduct:

- (a) Using the Ed Hardy Marks, or any reproduction, counterfeit, copy or colorable imitation thereof in connection with the manufacture, importation, purchase, distribution, marketing, advertisement, offer for sale and/or sale of goods;
- (b) Passing off, or inducing or enabling others to sell or pass off, any products bearing the Ed Hardy Marks;
- (c) Committing any other acts calculated to cause purchasers to believe that Defendants’ products are genuine Ed Hardy merchandise, and/or any acts calculated to cause purchasers to believe that Defendants’ products are connected with Plaintiffs or the Ed Hardy® brand;
- (d) Shipping, delivering, holding for sale, distributing, transferring or otherwise moving, storing, concealing, or disposing of in any manner goods bearing

1 the Ed Hardy Marks, or any reproduction, counterfeit, copy or colorable imitation  
2 thereof;

3 (e) Moving, destroying, concealing, or otherwise disposing of any products,  
4 labels, merchandise, documents or other items used for reproducing the Ed Hardy  
5 Marks or any reproduction, counterfeit, copy or colorable imitation thereof;

6 (f) Removing, destroying, concealing, or otherwise disposing of any 1)  
7 computer programs, software, data, disks or other media; 2) business records or  
8 documents; and/or 3) any other evidence relating to the manufacture, purchase,  
9 distribution, marketing, advertisement, offer for sale and/or sale of goods bearing the  
10 Ed Hardy Marks or any reproduction, counterfeit, copy or colorable imitation thereof;

11 (g) Operating the Ed Hardy Snow website ([www.edhardysnow.com](http://www.edhardysnow.com)) or any  
12 other website bearing the Ed Hardy Marks or that advertises and offers for sale goods  
13 bearing the Ed Hardy Marks; and

14 (h) Transferring to any other individual or entity the domain names owned by  
15 Defendants in whole or in part that relate to the sale and/or offer for sale of goods  
16 falsely bearing the Ed Hardy Marks or any reproduction, counterfeit, copy or colorable  
17 imitation thereof.

18 IT IS FURTHER ORDERED that during the pendency of this action, all of  
19 products bearing the Ed Hardy Marks and other related items, including without  
20 limitation molds, labels, patches, printing devices, advertising, packaging and other  
21 materials and merchandise in Defendants' possession, custody, or control shall be  
22 impounded in the custody or control of Plaintiffs or Plaintiffs' agents as substitute  
23 custodian pending further order of this Court and shall be made available for inventory  
24 or inspection during normal business hours.

1 WHEREAS Defendants, having conceded that they will suffer no harm from the  
2 terms of this Preliminary Injunction, IT IS FURTHER ORDERED that the Bond  
3 posted in this matter in the amount of Five Thousand Dollars (\$5,000.00) shall be  
4 discharged and exonerated.

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6 **IT IS SO ORDERED.**

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8 DATE: 2/11/10



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Honorable Dale S. Fischer  
United States District Judge